

**REMARKS**

Claims 1-3, 5, 7, 11 and 12-15 are pending in this application. By this Amendment, claims 1, 5, 7 and 15 are amended, and claim 8 is canceled, without prejudice to or disclaimer of the subject matter thereof. No new matter is added.

The courtesies extended to Applicants' representative by Examiner Szmal at the interview held April 4, 2006, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

**I. Allowable Subject Matter**

Applicants gratefully acknowledge that the Office Action indicates that claims 11-15 include allowable subject matter.

**II. The Claims Define Patentable Subject Matter**

The September 19, 2005 Office Action rejects claims 1 and 4-10 under 35 U.S.C. §102(b) over U.S. patent No. 3,572,100 to Grolman et al. (Grolman); and rejects claims 2 and 3 under 35 U.S.C. §103(a) under 35 U.S.C. §103(a) over Grolman in view of U.S. Patent No. 5,092,334 to Nishio et al. (Nishio). The rejections are moot with respect to canceled claims 4, 6, 8-10, and respectfully traversed with respect to claims 1-3, 5, and 7.

Claims 1-3, 5 and 7 are not anticipated by Grolman, or would not have been rendered obvious by Grolman in view of Nishio. As agreed during the personal interview, Grolman does not teach or suggest "a mode selection means which includes a first mode and a second mode, the mode selection means selecting one of a first mode ...and a second mode for obtaining a measurement value of the intraocular pressure at a first measurement timing corresponding to the peak point and a measurement value of the intraocular pressure at a second measurement timing corresponding to the bottom point ...," as recited in amended independent claim 1. Further, as agreed during the personal interview, Grolman does not

teach or suggest "a prediction means which predicts a deformation detection time required from output of the control signal until a predetermined corneal deformed state is detected," as recited in amended independent claim 5. Nowhere does Grolman teach or suggest these features.

Further, Nishio does not remedy the deficiencies of Grolman discussed above. Nishio is only cited by the Office Action for its alleged teaching of a measurement timing determination means.

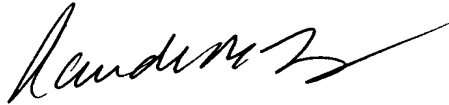
Thus, for at least these reasons, independent claims 1 and 5 are patentable would not have been rendered obvious by Grolman and Nishio, alone or in permissible combination. Further, claims 2, 3, and 7, which variously depend from claims 1 and 5, are also patentable over and would not have been rendered obvious by Grolman and Nishio, alone or in permissible combination, for at least the reasons discussed above with respect to claims 1 and 5, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: April 18, 2006

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